Allen R. Duffy 12-18-18

City of Elgin
P.O. Box 128 - 790 S. 8th Ave. - Elgin, OR 97827
Voice :(541)437-2253 Fax :(541)437-0131

NOTICE

City of Elgin Oregon City Council to Conduct:
Regular Council Meeting

When: Tuesday December 18th, 2018: Council Meeting 7:00pm
Where: Elgin City Hall, 790 South 8th Street, Elgin, Oregon 97827
For More Information, Please Contact Brock Eckstein, City Administrator/Recorder, at (541) 437-2253 or cityadm@cityofelginor.org.

MEETING AGENDA 7:00pm:

- 7:00pm Call to Order and Flag Salute
- Roll Call:

Councilor West____ Councilor Shaffer____ Councilor Burgess____ Councilor Warren____ Councilor Reed____
Councilor Hallgarth____ Student Councilor Smith____ Mayor Duffy____

- Revise/Approve Agenda
- Citizens May Speak About Items on the Current Agenda IF Called Upon at This Time

REPORTS

- Law Enforcement - UC Sheriff Department
- Ordinance Officer – Alex Duffy
- Municipal Court – Laura Eckstein
- Ambulance – Kevin Silvernail
  - Public Safety – Mayor Duffy/Councilor West and Warren
- Public Works – Director Larman,
  - Councilors Burgess/Reed
- Engineer's Report - JUB
- Parks and Rec – Bryan Jungling
- Library – Michele Timmons
- Planning Commission – Brock Eckstein
- Administrator – Brock Eckstein
  - Administration – Councilors Warren/Hallgarth
- Opera House – Councilors Shaffer
- Union County Chamber – Bob Kavanaugh
- Chamber – Admin. Eckstein/Councilor Hallgarth
- Lions Club – Mayor Duffy/Admin. Eckstein
- Stampeders – Councilor Burgess
- Women's Service Club – Councilor Warren
- Museum – Councilor Reed
- Rail Road – David Arnold
- Economic Development – Mayor Duffy
- Student Council – Student Councilor Smith

OLD BUSINESS

NEW BUSINESS

Alex McHaddad - Blue Mountain Translator District

CITY OF ELGIN ORDINANCE 1 (2019) An ordinance granting to Oregon Trail Electric Cooperative the right to place, erect and maintain poles, wires, and other appliances and conductors for the transmission and distribution of electricity in, upon and under the streets, alleys, avenues, thoroughfares and public highways in the city of elgin, oregon, and to exercise the privilege of engaging in the general business of generating, transmitting and distributing electrical energy, for a term of ten years.

CITY OF ELGIN ORDINANCE 2 (2019) An ordinance authorizing the operation of all-terrain vehicles on certain streets located within the boundaries of the city of Elgin, Oregon.

CITIZENS CONCERNS (3 Min. please sign in to speak; Council to receive information for future consideration, no decisions made at this time you may only speak on future items you would like to see on an agenda, NOTHING ELSE. All handouts and

Elgin Activities –NOVEMBER 2018

The Union County Deputies contributed hours to the total for the month. The statistics reflect the activities for the Sheriff's Office.

HOURS	**421**	
CRIM. CITATIONS	0	
TRAFFIC CITATIONS	14	
WARNINGS	79	
ARRESTS	4	
CALLS FOR SERVICE	38	
FIELD INTERVIEWS	29	
WALK-INS	0	
REPORTS	11	
TOWS/IMPOUNDS	0	
OTHER	2	**noted with an * below**

The above hours were allocated as follows:

PATROL	**57 %**	**TRAFFIC ENFORCEMENT**	**24 %**
REPORTS	**6 %**	**INVESTIGATIONS**	**13 %**

Activities include:

Routine patrol including foot patrol, school patrol, truck route patrol, bicycle patrol and traffic patrol
Ongoing Drug investigations and surveillance
*EMS Expo Training
Call for service for a report of missing property
Report of Telephonic Harassment
Responded to a call for Trespass II & Offensive Littering
Call to report a broken window out of a truck, owner wanted logged for information
Responded to a call for Criminal Mischief at a residence
Attempted to locate a subject with a warrant
Follow up on a Stop sign that was ran over
Report of Theft of gas at the local station
Report of a burglar alarm, cancelled in route
Call for service for Theft I & Criminal Trespass, follow up investigation
*Range qualifications
Responded to a call for possible Theft, options explained
Follow up on an ongoing Theft investigation
Arrested one subject for Probation Violation
Traffic court
Arrested one subject for Driving While Suspended Misdemeanor, towed vehicle
Restraining Orders served with a move out
Arrested one male subject for an out of county Warrant
Report of a suspicious vehicle napping in his vehicle
Call for a civil property dispute, one individual trespassed
Welfare check on a juvenile x 2
Follow up interviews on a Stalking Order investigation
Call of a suspicious male sleeping in a field

Follow up on violation of a Stalking Order
Follow up on a Welfare Check
Medical Assist for a female not breathing, unattended death
Motorist assist with a tire
Theft of services investigation
Responded to a report of a suspicious noise
Call for service for a noise complaint, contact with resident made
Arrested one subject on a Warrant
Call for service for a power line sparking
Responded to a call with questions regarding custody issues
Report of a possible DUII driver
Call for a disturbance
Report of a suspicious person on roadway
Responded to a report of a verbal disturbance x 3
Call regarding cows on the roadway
Responded to a report of a Domestic Disturbance
Report of skateboards at the Elgin Clinic
Report of possible gun shots
Responded to a motor vehicle accident, car vs guardrail
Motorist Assist
Report of Hit & Run
Attempted to locate a runaway juvenile, found and returned home
Located an older female reported missing, returned home
Follow up on a Stalking Order violation

Elgin 2018	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	0.00	20.00	17.50	19.00	6.00	10.00	19.00	12.00	10.00	0.00	10.00	
2	13.00	20.00	15.00	20.00	21.00	12.00	11.00	40.00	9.00	20.00	8.00	
3	10.00	15.75	23.75	15.00	40.00	19.00	10.00	13.00	0.00	13.00	25.50	
4	22.00	20.00	10.00	15.50	37.00	9.50	22.25	23.75	10.00	20.00	19.00	
5	17.50	23.00	24.00	30.00	30.25	19.50	20.00	26.00	10.00	19.00	2.50	
6	22.75	10.00	10.00	22.75	13.25	27.50	28.00	11.00	18.50	20.00	12.00	
7	17.00	9.00	16.00	18.50	10.00	27.75	19.00	2.50	18.75	20.00	0.00	
8	25.00	14.50	19.00	10.00	10.00	32.00	12.50	5.50	17.50	12.50	22.00	
9	11.50	18.00	19.25	20.00	20.00	19.50	13.00	9.75	0.00	12.00	20.00	
10	12.00	10.00	16.00	20.00	17.50	15.00	9.25	15.00	17.50	12.00	21.50	
11	17.50	18.50	21.25	11.00	18.00	10.50	24.00	11.50	0.00	19.00	21.00	
12	21.00	14.00	11.50	20.50	18.25	1.00	25.25	10.00	20.50	19.00	12.50	
13	20.25	11.00	16.00	14.00	18.00	0.00	30.25	13.50	22.00	19.00	21.00	
14	20.50	18.00	18.00	1.00	10.00	22.75	30.75	15.00	29.50	20.00	10.25	
15	12.50	24.00	21.00	16.50	1.00	17.00	21.00	10.00	22.00	11.00	10.00	
16	14.00	20.00	21.25	29.00	16.00	20.00	10.00	27.00	23.00	11.00	9.50	
17	6.50	14.00	14.00	19.00	18.25	25.00	5.50	22.75	25.50	16.50	9.00	
18	4.00	11.00	24.00	15.50	25.00	11.00	19.00	17.50	9.50	20.00	9.00	
19	10.00	20.00	21.50	18.50	10.00	13.50	8.00	20.00	8.00	16.25	0.00	
20	10.00	14.00	7.50	24.50	15.00	16.25	22.00	0.00	20.50	22.00	19.00	
21	10.00	14.00	16.50	21.00	9.00	11.25	9.50	0.00	15.50	10.00	12.00	
22	13.50	19.50	25.00	16.00	0.00	16.75	23.50	6.00	20.00	10.00	23.25	
23	15.00	17.50	23.75	10.00	15.00	12.00	2.50	16.50	23.50	14.50	20.00	
24	10.00	18.50	15.00	5.00	18.00	10.00	8.50	29.00	18.00	13.00	20.00	
25	28.50	23.00	14.50	15.00	8.00	3.50	12.50	21.00	8.00	20.00	20.00	
26	13.50	20.00	12.00	22.00	3.00	12.00	19.00	23.50	8.75	25.00	10.00	
27	10.00	13.00	13.00	22.50	1.50	12.00	23.50	0.00	16.75	21.00	0.00	
28	30.25	10.00	13.00	9.50	0.00	27.50	7.00	1.50	14.50	10.00	14.25	
29	24.00	0.00	15.50	16.50	10.00	22.25	18.00	14.25	18.00	10.00	20.75	
30	10.00	0.00	22.50	10.00	12.50	21.50	10.00	35.25	30.50	8.50	19.00	
31	3.50	0.00	11.75	0.00	28.50	0.00	0.00	18.00	0.00	3.50	0.00	
Total	**455.25**	**460.25**	**529**	**507.75**	**460**	**477.5**	**493.75**	**470.75**	**465.25**	**467.75**	**421**	**0**

	420	420	420	420	420	420	420	420	420	420	420	420
Over/Shor	35.25	40.25	109.00	87.75	40.00	57.50	73.75	50.75	45.25	47.75	1.00	(420.00)

Brock Eckstein

From: elginambulance@cityofelginor.org
Sent: Thursday, December 06, 2018 1:14 PM
To: Brock Eckstein
Subject: Report
Attachments: revised_bylaws_0223121(10_18).rtf; Untitled attachment 00144.txt

Hey Brock
We are on run # 245 for the year. Both Amy and Mike passed the first quarter of Advanced EMT class. One ambulance vendor is going to bring a New Ambulance by in the middle of December to look at and get more ideas. Kim Shaffer resigned December 1. Will actively start advertising beginning the first of the year for more Drivers and EMT. We currently have one application turned in, waiting for more. Attached is a copy of the Ambulance Bylaws for your review. We will need Council approval before adopting them. Look forward to the Holiday party. See you there.

January 1, 1985
Revised February 23, 2012
Revised October 18th, 2018

BY-LAWS FOR ELGIN AMBULANCE

ARTICLE I – NAME

The name of this organization is the Elgin Volunteer Ambulance Service.

ARTICLE II – PURPOSE

The purpose of the organization is the protection of life within our coverage area through prevention, public education, and emergency medicine.

ARTICLE III – ARTICLES OF ORGANIZATION

The Elgin Volunteer Ambulance Service is a non-profit organization operating under the laws of Oregon. Its "Articles of Organization" are comprised of these by-laws, which are from time to time amended. The Elgin Volunteer Ambulance Service is under jurisdiction of the ~~City Recorder~~ City Administrator.

ARTICLE IV – MEMBERSHIP

Any resident of the Elgin Volunteer Ambulance Service Area who is living in a home being served by city water shall be eligible for membership. All other applicants will be chosen at the discretion of the active members.

Active members of this organization shall be those members who are either a qualified driver or hold a current ~~Oregon State Health Division Certificate~~ Oregon Health Authority License at least EMT ~~Basic~~ Level.

To become a member an individual must receive at least two-thirds (2/3) favorable vote. Membership will be regulated by the service. Two-thirds of the members attending must be present at the vote. The reverse shall hold true to remove a member, i.e. two-thirds unfavorable vote.

Section 1. Application for membership

A. The applicant must agree to abide by the Elgin Ambulance by-laws, policies, regulations, and standard operating procedures along with City Policies.

B. The applicant must be eighteen (18) years of age or older.

C. The applicant shall submit his/her application along with a copy of

any certifications (if any are held) to the membership committee.

D. The voting membership will present an applicant to all membership for approval or rejection at a special meeting, called by President. If approved by majority vote, the applicant becomes an active member of the Elgin Volunteer Ambulance Service and agrees to enter a six (6) month evaluation period, pending completion of all training and certification.

i. Drivers – all driver trainees must ride along with a senior driver for a minimum of ~~10~~ 20 runs, those runs shall include: 10 runs as co-pilot, 5 runs in the back observing, 5 runs driving with a senior driver before they will be released to drive by their self and start their 20 ~~10~~ run minimum requirement in their evaluation period.

ii. EMTs – all EMTs must ride along with a senior EMT for a minimum of 20 runs to be evaluated by senior EMTs within their evaluation period.

iii. Applicants that are already EMT's must complete the minimum driver requirements as well as 5 additional EMT runs in the back to be evaluated by a senior EMT.

E. At the conclusion of the evaluation period, the membership committee will review the member's performance during the evaluation period. If performance is deemed adequate, the president is so advised, and the member shall continue as an active member of the Elgin Volunteer Ambulance Service. If performance is deemed inadequate, the membership committee will recommend either extending the evaluation period for a finite time or termination of the member. This recommendation will be presented to the membership at the next general membership meeting, with a majority vote determining the member's status.

F. All EMT applicants must have 6 months experience as a driver of Elgin Volunteer Ambulance Service, before Elgin Volunteer Ambulance Service will provide a scholarship for member to attend EMT schooling. All EMTs that pass both the State's written and practical exams will move onto the evaluation period.

Section 2. Responsibilities during the evaluation period

During the evaluation period the member will:

A. Fulfill minimum requirements in accordance with approved membership category. All EMTs must be evaluated by another EMT

of the same or higher level. A probationary EMT cannot perform care at their probationary level without a Senior EMT on the call with them.

B. Make themselves familiar with and abide by all procedures, rules, and requirements governing members of the Elgin Volunteer Ambulance Service including all City of Elgin personnel policies.

C. Applicants are expected to successfully ride on 20 ambulance calls within their probationary period.

Section 3. Qualifications and Designations

There are two (2) classes of membership in the Elgin Volunteer Ambulance Service.

1. Active
2. Leave (personal, medical)

A. Active: An active member is at least eighteen (18) years of age and meets the requirements/responsibilities of the division(s) in which they are enrolled.

Responsibilities:

1. Obey the By-Laws and Standard Operating Procedures of the Elgin Volunteer Ambulance Service.
2. Conduct themselves in a professional manner while representing the Elgin Volunteer Ambulance Service.
3. ~~Attend six (6) general membership meetings per calendar year. Meetings may be exempted by submitting a written or verbal excuse to the President.~~ Must attend all business meeting unless previous arrangements are made with the President prior to the meeting. Communication accepted will be: verbal, text, email, or writing.
4. ~~Attend a minimum of 50% of training sessions per calendar year. Training may be exempted by submitting a written or verbal excuse to the training officer of the Elgin Ambulance Service.~~ Must attend all trainings unless previous arrangements are made with the Training Officer or President prior to the meeting. Communication accepted will be: verbal, text, email, or writing.
5. All active members will hold at minimum current Cardiopulmonary Resuscitation (CPR) certification, HAZMAT Awareness, and Blood Borne Pathogens (consideration will be given to those awaiting classes), HIPPA and driver certification.
6. All active members must be immunized with Hepatis and TB immunizations or have a signed waiver of file, waiving any consequences against the City of Elgin.

C. Leave

Elgin Ambulance Service has established a policy for volunteers to inform the business office if they are unable to continue to work on the ambulance because of an illness or injury that would jeopardize patient care. The

following steps must be taken to notify the business office.

1. Notify City of Elgin ~~Secretary/ Recorder~~ Clerk/Administrator in person or by phone. Tell the ~~Secretary/ Recorder~~ Clerk/Administrator the estimated period of absence and the expected date of return.
2. Notify the President of the Elgin Ambulance Service who will in turn contact all Elgin Ambulance personnel, so adjustments can be made in scheduling and coverage times.

Section 4. Resignations
Any member may resign from the Elgin Volunteer Ambulance Service by giving written notice of such intent to the President and returning all property belonging to the service.

Section 5. Discipline
See City of Elgin Personnel Policy Manual
Section 3.3 Forms of Disciplinary Action (get a copy from the city)

Section 6. Termination of membership
Any member who does not seek or receive a leave of absence and ceases to be active for a period of three (3) months may be dropped from the membership roles. If members miss 3 consecutive business meeting or trainings, the member may be dropped from the membership role and/or be terminated. The President shall bring the member's name and status before the membership at a general membership meeting. The individual's membership may be terminated by a majority vote of the members present and voting.

ARTICLE V – OFFICERS, THEIR ELECTION, AND TERMS OF OFFICE

Section 1. Officers
The officers of this organization shall consist of a President, Vice-President, Secretary-Treasurer, and three members of the Grievance Committee.

Section 2. Their Election
The President, Vice-President, and Secretary-Treasurer shall be elected by ballot annually. ~~and shall hold office only two consecutive terms in succession.~~ The Grievance Committee shall be elected by ballot and serve a term of two (2) years.

Section 3. Terms of Office
These elective officers shall be nominated and elected in January and installed in January.

Section 4. Vacancies

A person selected and appointed by the President shall fill a vacancy occurring in any office for the unexpired term. Such appointee shall serve the remainder of the term of the officer they replace.

ARTICLE VI – DUTIES

Section 1. President

The President shall preside at all meetings and shall perform all the duties incident to this office. The President shall have the power to appoint members of standing and special committees as she/he deem necessary from time to time and shall coordinate the work of the officers and committees of the organization in order that the PURPOSE may be meet.

Section 2. Vice-President

The Vice-President shall perform the duties of the President in the absence or inability of that officer to serve and shall assist the President when called upon. In case of vacancy in the office of President she/he shall assume the duties of President.

Section 3. Secretary / Treasurer

The Secretary-Treasurer shall record the minutes of all meetings of the organization and of the board of directors, shall keep a complete roster of members and the membership standing and special committees, shall take attendance immediately after meetings are called to order, shall remind the membership within four (4) days of special meetings, shall have custody of all books, papers, and records of the organization, shall deliver same to his or her successor and shall perform such duties as may be delegated including a monthly duty roster. In the event of any fund-raising efforts by this organization the Sec/Treasurer shall keep a record of all receipts and disbursements, shall have charge and custody of all funds and disburse the same upon order of the membership. All proposed expenditures and bills levied against the organization's treasury will be presented to the membership for approval before payment.

Section 4. Maintenance Officer

The President shall appoint the Ambulance Maintenance Officer. His/ her duties shall include checking the ambulance at service intervals and if service is needed to make the proper arrangements, to see that any defect reported by drivers is immediately remedied. Ambulance repairs should be coordinated through the ~~City Recorder~~ City Administrator.

Section 5. Supply Officer

The President shall appoint the Supply Officer. His/her duties shall always include maintaining medical equipment and supplies in order to meet state

regulations and to have on hand the usual supplies needed for everyday use. The Supply Officer shall set up a running inventory list on which the EMTs on the run shall tally all supplies used on a run. The Supply Officer is responsible to maintain the proper inventory, however each EMT is responsible for restocking the ambulance from the inventory after each run and marking it on the inventory sheet.

Section 6. Training Officer

The President shall appoint the training officer. The training officer's duties shall assure that all members can receive the hours of training needed for re-certification. All training must be coordinated through the training officer, whose duties include: to inform interested people of requirements of a ~~First Responder~~ Emergency Medical Responder card and ambulance membership, to coordinate with state and hospital for current ~~First Responders~~ Emergency Medical Responder and EMTs that want to upgrade, to be responsible for providing driver's training in radio procedure, awareness of state laws and our by-laws, plus location of equipment and supplies. Also, be sure that Drivers have current CPR and ODL cards. The training officer will also be responsible to arrange for a medical advisor to sponsor EMS personnel for the group and to coordinate, where necessary between the medical advisor and the group.

Section 7. Drivers

It shall be the duty of each driver to ensure that the ambulance is always operated in a safe manner and in accordance with state laws, that the ambulance is serviced with ~~regular grade gasoline~~ Fuel, multi-weight oil and that all burned out light bulbs are replaced after each run (or the Maintenance Officer notified). ~~Gas~~ Fuel should be replenished only when it falls below ¾ of tank. Drivers will be responsible for cleaning ambulance, gurney, and equipment after each run and assist with restocking supplies.

Section 8. EMTs

The organization will not be presumptuous and attempt to tell you your duties toward your patient by only your duties toward the ambulance. It shall be the duty of each individual attendant to replace supplies used by them during their run from the supply shelves (located in the ambulance building) and mark the ~~inventory~~ order list. Pre-Hospital Patient Care Reports are to be completed and turned in as soon as possible ~~(no later than 24 hours)~~. EMTs are responsible to know when they are on schedule and to get someone to cover for them in case of being unavailable. ~~EMTs must live in a home that is being served by city water or must be able to arrange adequate coverage i.e. In-town personnel on available basis.~~

ARTICLE VII – BOARD OF DIRECTORS

Section 1. The board of directors shall consist of the elected officers of the

organization and the grievance committee.

Section 2. The duties of the board of directors shall be to transact necessary business in the intervals between regular organization meetings and other business as may be referred to regular ~~of~~ or special meetings, to select a delegation from the board to attend City Council meetings if assistance from the city is required or if requested by the council.

Section 3. Special meetings of the board may be called by the President and/or at the request of the grievance committee. A majority of the board constitutes a quorum for its meetings.

ARTICLE VIII – MEETINGS

Section 1. Regular meetings shall be held on the third Sunday of each month and will consist of business ~~and training~~. In the event of extraordinary circumstances (i.e. weather, floods, natural disasters, etc.) or if a quorum is not met these meetings may be cancelled and/or rescheduled. In the President's absence, the Vice President shall Chair any meetings.

4. The purpose of the regular meetings shall be to inform members of the Elgin Volunteer Ambulance Service, to discuss current events concerning the Elgin Volunteer Ambulance Service, to take appropriate action requiring a vote from the general membership, to hear standing committee reports and any information pertaining to the well-being of the Elgin Volunteer Ambulance Service.

Section 2. The President must call a special meeting of the organization when so requested by one-fourth the membership. Special meetings may be called by the President or a majority of the members of the board or grievance committee providing due notice has been given to all available members. At all such special meetings there shall be considered only the special business for which the meeting was called and for which notice was included in the call to the members.

Section 3. A quorum for any purpose of this organization shall be made up of those members present at any regular or properly called meeting. A properly called meeting being one for which the membership has been properly notified.

Section 4. The order of business for regular meetings of this organization shall be as follows:

A. Call to order by President/Roll Call
~~B. Roll call by Secretary~~
B. Reading and acceptance of minutes of last meeting
~~C. Committee reports~~ Membership
D. Old Business
E. New Business
~~F. Adjournment~~ Safety/Maintenance

G. Training
H. Council members/Advisory Board
I. Case Reviews
J. For the Good of the Service
K. Adjourn

Section 5. Quorum
A quorum shall consist of a minimum of ~~6~~ 2/3 active members with voting rights.

ARTICLE IX – GRIEVANCE COMMITTEE

The President shall appoint the Grievance Committee. The duties of the Grievance Committee will be to prevent strife (~~i~~ Internal and External), to act as arbitrators for the organization, to receive all complaints presented to them, to be available to every member of this group and to the citizens we serve, to hear all sides and to seek out any necessary information. They will report ~~monthly~~ as necessary at meetings via a spokesperson chosen from among them. If necessary, decisions will be presented for a majority vote. It will be within the powers of the grievance committee to censure, request the recall of credentials, and to call emergency meetings.
The Grievance Committee shall consist of three members as follows:

2 EMTs – if possible 1 EMT-I and 1 EMT~~-B~~
1 Qualified driver

In the event that the organization includes members with qualifications above the EMT-I level, there shall also be a fourth member with such status.

ARTICLE X – RULES OF ORDER

The proceedings of the organization shall be governed by and conducted according to Robert's Rules of Order, newly revised. Its rules govern the organization in all cases in which they are applicable and in which they are not in conflict with these By-laws.

ARTICLE XI – AMENDMENTS

These by-laws may be amended at any regular or special meeting of the organization by a majority vote provided that a copy of such amendments shall have been previously filed with the secretary and read at two (2) previous monthly meetings of the organization. Amendments must be approved by the City Council.

CITY OF ELGIN

P.O. BOX 128, 790 S 8TH AVE., ELGIN, OR 97827
Ph: 541-437-2253 Fx: 541-437-0131
publicworks@cityofelginor.org

- *No accidents or injuries*
- *2019 SCA (streets) grants denied*
- *Meeting set up with county public works for 2019 street project*
- *Safe routes to school project moving forward, will be "attending" online meeting to see where funds will be distributed.*
- *PER finished, submitted and approved by DEQ*
- *Met with UCUCC (811) secured ad trailer for river fest and stampede*

Dan Larman
Public Works Director

Check out the new city web page at cityofelginor.org for all your city ordinances, police reports and general information

Oregon
Kate Brown, Governor

Department of Transportation
Office of the Director
355 Capitol St NE
Salem, OR 97301

November 15, 2018

Michael Cully, Executive Director
League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, OR 97301

Dear Director Cully,

In accordance with the ORS 366.805 and the recommendation of the Advisory Committee, I am pleased to announce the 2019 Small City Allotment Program awards. The Committee met with ODOT staff on November 5, 2018 to review applications and select the projects that will receive 2019 funding. The Committee's work, ODOT staff support, and savings from prior years, led to 56 projects being awarded throughout the state, as shown in the table below.

2019 SCA Award Cycle Summary		
Region	**Applications**	**Cost**
1	3	$300,000
2	22	$2,108,338
3	9	$894,191
4	7	$673,458
5	15	$1,499,943
TOTAL	**56**	**$5,475,930**

The next steps will be for ODOT and SCA recipients to enter into agreements for each project, which will be handled by ODOT's Transportation Development Division staff. In order to ensure all questions and comments are addressed, please utilize Deanna Edgar as the primary point of contact for the SCA Program Guidance. You can reach Deanna at (503) 986-3441 or deanna.edgar@odot.state.or.us.

Sincerely,

Matthew L. Garrett
Director

Encl: 2019 Small City Allotment Awards by City

Cc: Jerri Bohard, Transportation Development Division (TDD) Administrator
McGregor "Mac" Lynde, Active Transportation Section Manager
Amanda Pietz, Program Implementation Manager
Deanna Edgar, Investment Programs Analyst

Enclosure: 2019 Small City Allotment Awards by City

City	Award
Region 1	
Estacada	100,000
Cascade Locks	100,000
King City	100,000
Total	**300,000**
Region 2	
Philomath	47,350
Lowell	100,000
Veneta	100,000
Carlton #1	100,000
Turner	100,000
Sublimity	100,000
Gates	100,000
Bay City	100,000
Depoe Bay #1	100,000
Willamina #1	87,768
Coburg	99,979
Yachats #1	100,000
Oakridge	100,000
Sodaville	100,000
Waterloo	100,000
Falls City	100,000
Vernonia	100,000
Dayton	100,000
Dundee #1	100,000
Garibaldi	100,000
Halsey	73,241
Gervais	100,000
Total	**2,108,338**
Region 3	
Shady Cove	100,000
Phoenix #1	100,000
Glendale	100,000
Reedsport #1	94,191
Rogue River	100,000
Myrtle Point #1	100,000
Cave Junction	100,000
Oakland #1	100,000
Canyonville #1	100,000
Total 894,191	

Region 4	
Paisley	100,000
Mitchell	100,000
Fossil	100,000
Moro	100,000
Culver	100,000
Metolious	100,000
Bonanza	73,458
Total	**673,458**
Region 5	
Summerville #1	100,000
Dayville #1	100,000
Lostine	100,000
Prairie City	99,943
Imbler	100,000
Island City	100,000
Vale #1	100,000
Pilot Rock	100,000
Weston	100,000
Boardman	100,000
Burns #1	100,000
Stanfield #1	100,000
John Day #1	100,000
Enterprise	100,000
Hines	100,000
Region 5 Total	**1,499,943**
2019 Program Total	**5,475,930**

J-U-B COMPANIES | THE LANGDON GROUP | GATEWAY MAPPING INC.

J·U·B ENGINEERS, INC.

CITY OF ELGIN CITY COUNCIL - ENGINEERING UPDATE

December 2018

ACTIVE TASK ORDERS

Project Name	Start	End	Summary of Progress
Sewer Collection System PER	October 2017	December 2018	Draft report is complete. Comments provided by Regulatory Agencies have been addressed. Awaiting final approval from ODEQ and USDA.
Safe Routes to School Funding Application	August 2018	October 2018	Application was submitted mid-October. May hear on awards as early as January
Indian Valley Estates	August 2018	Winter 2019	J-U-B has developed draft plans for the City and regulatory agency review.

Elgin Municipal Engineering:

- ☐ Sewer Collection System PER
  - USDA Rural Development Grant ($30k) funds and the IFA Technical Assistance Grant ($20k) funds are obligated.
  - Draft Report is complete and was submitted early November to the City, Funding and Regulatory Agencies for review.
  - J-U-B met with City Administrator, Public Works Director, Public Works Committee, and the Mayor to discuss projects and proposed improvements.
  - The next round of CDBG funding opens in October and is due at the end of December. The City is developing an application for design efforts of Proposed Project 3A following. Submittal by December 31.
- ☐ Safe Routes to School
  - Application was submitted 10/15/18.
  - ODOT is meeting 12/17 to review applications. We may hear on project awards as early as January.
- ☐ Indian Valley Estates
  - J-U-B has developed a concept design for the water and sewer infrastructure.
  - City has reviewed plans and J-U-B and public works are working to develop a submittal package for the regulatory agencies review.
  - Road design and construction will occur once utilities are constructed.

Items of General Municipal Engineering Interest:

- ☐ None this month.

Monthly Council Report
December 2018
Library

Mrs. Claus (Dorry Hightower) and her elf (Teresa Zyla) did a fabulous job for our story hour. They interacted extremely well with the children. Dorry told me that she is already planning for next year.

I would like to thank the Mayor and Michelle for making cookies for our event.

Vicki and I went to the Wallowa County Library on 11/24/18. They extended an offer to the surrounding libraries to go through their remaining items and get what we wanted for our own library. We brought back a pickup load of wonderful items to add to our collection. Their library is now closed to the public. I've reached out to them and offered for their patrons to use our library.

City of Elgin
P.O. Box 128 - 180 N. 8th Ave. - Elgin, OR 97827
Voice :(541)437-2253 Fax :(541)437-0131

Monthly Administrator Report

Mr. Mayor and City Councilors,

- $71,000 From Boise Cascade update
- City Hall/Shop/Kennel Update
- Goal Retreat Planning
- NEOHA Request to HUD for Funding
- Voting Abstract
- Auditing Representation Letter

Brock Eckstein

City Administrator

Northeast Oregon Housing Authority

Serving Union-Grant-Baker & Wallowa County

Mailing Address: P.O. Box 3357, La Grande, OR
Office Location: 2608 May Lane

PHONE: 541-963-5360 800-425-8638 WEBSITE: www.neoha.org
FAX: 541-963-3682 TDD: 541-963-2465 EMAIL: neoha@uwtc.net

Northeast Oregon Housing Authority does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in its federally assisted programs and activities. NEOHA Executive Director has been designated to coordinate compliance with the nondiscrimination requirements contained in the HUD regulations implementing Section 504 (24CFR,pt8)11/2013

RECEIVED
DEC 10 2018
BY: .....

December 5, 2018

Responsible Entity's Certifying Officer
Subject: Request for funding

To whom it may concern:

This process is a formality we must follow to receive funding for our projects in your city even though this activity is strictly administrative with no new construction or any demolition that would require an environmental review; therefore categorically excluded from NEPA requirements under 24 CFR 58.35 (a) Para. 5. Enclosed is a sample format for Environmental Review Record Documentation pre-filled and lists the planned activity for this request for each site in your city, this should facilitate the process for the environmental review required by NEPA.

We are asking Housing and Urban Development (HUD) to allow Northeast Oregon Housing Authority (NEOHA) to attach subsidy to the requested sites/units instead of the currently placed Tenant Vouchers. Attaching subsidy to a site/unit is called project basing. This will open more opportunities for NEOHA to assist low income families more readily with housing and it does not require participants to be on the Housing Choice Voucher waiting list to receive rental assistance.

The attached document may be reproduced on your letterhead or you may provide your own document with a similar format with the inclusion of your letterhead. Please sign and date the bottom of the form and return a copy to NEOHA, Attention Dale Inslee, P.O. Box 3357, La Grande, OR 97850. NEOHA will need this document to get final approval from HUD if this request is approved. Please retain a copy for your records.

NEOHA agrees to abide by the special conditions, procedures, and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR Part 58.71 (b).

I would like to thank you for your assistance and for being the Responsible Entity in this environmental review process. If you have any questions regarding this letter, the attached form, of the environmental review process, please feel free to call.

Sincerely,

Dale G. Inslee
Executive Director, NEOHA
541-963-5360 Ext 22
dinslee@gmail.com

City of Elgin
P.O. Box 128 - 180 N. 8th Ave. - Elgin, OR 97827
Voice :(541)437-2253 Fax :(541)437-0131

DETERMINATION OF CATEGORICAL EXCLUSION AND EXEMPTION UNDER 24 CFR 58.34(A)(12) FOR THE FOLLOWING FEDERAL ACTION:

- Housing Authority Name: Northeast Oregon Housing Authority
- Activity/Program Name: Project Base Vouchers
- Program Identification Number(s): OR032000001P; 731 – 743 N. 9th; 730 – 742 N. 10th, Elgin, OR. 97827
- Description of Work Activity(ies: Project base vouchers from the Housing choice voucher program (HCV sec8)
    - The above described activity(ies) is categorically excluded from NEPA requirements under 24 CFR 58.35(a) (Para. 5) CFR 58.35(a)(2).

Reviews for compliance with the other Authorities cited at §58.5 and §58.6 have been accomplished. Substantial compliance with other, non-NEPA authorities is not triggered, so this activity(ies) becomes exempt under 24 CFR 58.34(a)(12).

Therefore, no public notice or Release of Funds is required.

_____

Signature of Certifying Officer Date

_____

Name and Title of Certifying officer

_____

Responsible Entity (24 CFR Part 58.2(a)(7) (ii)(B)

~ SAMPLE FORMAT FOR ENVIRONMENTAL REVIEW RECORD DOCUMENTATION ~

NOTE: This document should be on the Responsible Entity's letterhead.

DETERMINATION OF CATEGORICAL EXCLUSION AND EXEMPTION UNDER 24 CFR 58.34(A)(12) FOR THE FOLLOWING FEDERAL ACTION:

- Housing Authority Name: Northeast Oregon Housing Authority
- Activity/Program Name: Project Base Vouchers
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-

The above described activity(ies) is categorically excluded from NEPA requirements under 24 CFR 58.35(a) (Para. 5) CFR 58.35(a)(2).

Reviews for compliance with the other Authorities cited at §58.5 and §58.6 have been accomplished. Substantial compliance with other, non-NEPA authorities is not triggered, so this activity(ies) becomes exempt under 24 CFR 58.34(a)(12).

Therefore, no public notice or Release of Funds is required.

_____

Signature of Certifying Officer Date

_____

Name and Title of Certifying officer

_____

Responsible Entity (24 CFR Part 58.2(a)(7) (ii)(B)

- UNION COUNTY -
County Clerk
Robin A. Church
1001 4th Street, Suite D • La Grande, Oregon 97850
www.union-county.org

Phone 541-963-1006
Fax 541-963-1013
Voting Information
1-866-ORE-VOTES
(1-866-673-8683)

RECEIVED
NOV 27 2018
By: ...

November 21, 2018

Brock Eckstein
City of Elgin
P O Box 128
Elgin OR 97827

Enclosed you will find the General Election Abstract for the City of Elgin Mayor, City Council and Recorder/Administrator. Please return your acceptance of this Abstract to my office at your earliest convenience.

Please contact my office if you have questions or concerns.

Robin A. Church
Union County Clerk

enc

Union County, Oregon
General Election
November 6, 2018

Mayor 36 - CITY OF ELGIN

Vote For 1

		JR County Herald	WRITE-IN (NON)	OVERVOTES (NON)	UNDERVOTES (NON)
0008 08		239	421	7	1	46
	CANDIDATE TOTALS	239	421	7	1	46
	CANDIDATE PERCENT	35.83	63.11	1.04		

I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE TALLY OF VOTES CAST AT THE ELECTION INDICATED.

November 21, 2018

ROBIN A. CHURCH, UNION COUNTY CLERK — DATE

Union County, Oregon
General Election
November 6, 2018

Council - At Large 36 - CITY OF ELGIN

Vote For 3

		ROBERT BOURCIER (NON)	MARY KAY HALSEY (NON)	RAY A. WARNER (NON)	THOMAS R. WIGHT - INTERNET (NON)	OVER VOTES	UNDER VOTES	
0008 08		423	383	442	58	0		836
	CANDIDATE TOTALS	423	383	442	58			836
	CANDIDATE PERCENT	32.38	29.32	33.84	4.44			

I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE TALLY OF VOTES CAST AT THE ELECTION INDICATED.

ROBIN A. CHURCH, UNION COUNTY CLERK

November 21, 2018
DATE

Union County, Oregon
General Election
November 6, 2018

Recorder/Adminstrator 36 - CITY OF ELGIN

Vote For 1

	BE rc ok cs kt e i n (NON)	WRITE-IN (NON)	OVERVOTES	UNDERVOTES
0008 08	431	65	0	218
CANDIDATE TOTALS	431	65		218
CANDIDATE PERCENT	86.89	13.10		

I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE TALLY OF VOTES CAST AT THE ELECTION INDICATED.

ROBIN A. CHURCH, UNION COUNTY CLERK

November 21, 2018
DATE

City of Elgin
P.O. Box 128 - 180 N. 8th Ave. - Elgin, OR 97827
Voice :(541)437-2253 Fax :(541)437-0131

Lewis, Poe, Moeller, Gunderson & Roberts, LLC
P.O. Box 1024
La Grande, Oregon 97850-1024

This representation letter is provided in connection with your audit of the financial statements of City of Elgin, which comprise the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information as of June 30, 2018, and the respective changes in financial position and, and the related notes to the financial statements, for the purpose of expressing opinions as to whether the financial statements are presented fairly, in all material respects, in accordance with the modified cash basis of accounting.

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, the following representations made to you during your audit.

Financial Statements

1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated June 21, 2018, including our responsibility for the preparation and fair presentation of the financial statements in accordance with the modified cash basis of accounting and for preparation of the supplementary information in accordance with the applicable criteria.
2) The financial statements referred to above are fairly presented in conformity with the modified cash basis of accounting and include all properly classified funds and other financial information of the primary government required by the modified cash basis of accounting to be included in the financial reporting entity.
3) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
5) Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.
6) Related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with the modified cash basis of accounting.
7) Adjustments or disclosures have been made for all events, including instances of noncompliance, subsequent to the date of the financial statements that would require adjustment to or disclosure in the financial statements.
8) We are in agreement with the adjusting journal entries you have proposed, and they have been posted to our accounts.
9) The effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed in accordance with the modified cash basis of accounting.
10) Guarantees, whether written or oral, under which the City of Elgin is contingently liable, if any, have been properly recorded or disclosed.

Information Provided

11) We have provided you with:

   a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters and all audit or relevant monitoring reports, if any, received from funding sources.

   b) Additional information that you have requested from us for the purpose of the audit.

   c) Unrestricted access to persons within the City from whom you determined it necessary to obtain audit evidence.

   d) Minutes of the meetings of City Council or summaries of actions of recent meetings for which minutes have not yet been prepared.

12) All material transactions have been recorded in the accounting records and are reflected in the financial statements.

13) We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.

14) We have no knowledge of any fraud or suspected fraud that affects the City and involves:

   a) Management,

   b) Employees who have significant roles in internal control, or

   c) Others where the fraud could have a material effect on the financial statements.

15) We have no knowledge of any allegations of fraud or suspected fraud affecting the City's financial statements communicated by employees, former employees, regulators, or others.

16) We have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements, other than the items disclosed in Note 2.

17) We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.

18) We have disclosed to you the identity of the City's related parties and all the related party relationships and transactions of which we are aware.

Government—specific

19) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.

20) We have a process to track the status of audit findings and recommendations.

21) We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.

22) We have provided our views on reported findings, conclusions, and recommendations, as well as our planned corrective actions, for the report.

23) The City has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or equity.

24) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts and legal and contractual provisions for reporting specific activities in separate funds.

25) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of fraud and noncompliance with provisions of laws and regulations that we believe have a material effect on the financial statements or other financial data significant to the audit objectives, and any other instance that warrant the attention of those charged with governance.

26) We have identified and disclosed to you all instances, which have occurred or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that we believe have a material effect on the determination of financial statement amounts or other financial data significant to the audit objectives.

27) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of abuse that could be quantitatively or qualitatively material to the financial statements or other financial data significant to the audit objectives.

28) Other than those disclosed in Note #2, there are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.

29) As part of your audit, you assisted with preparation of the financial statements and related notes, and the preparation and hosting of the depreciation schedule. We acknowledge our responsibility as it relates to those nonaudit services, including that we assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statements and related notes.

30) The City has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.

31) The City has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.

32) The financial statements properly classify all funds and activities in accordance with GASB Statement No. 34.

33) All funds that meet the quantitative criteria in GASBS Nos. 34 and 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.

34) Components of net position (net investment in capital assets; restricted; and unrestricted) and classification in fund balance (nonspendable, restricted, committed, assigned, and unassigned) are properly classified and, if applicable, approved.

35) Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.

36) Revenues are appropriately classified in the statement of activities within program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.

37) Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.

38) Deposits and investment securities and derivative instruments are properly classified as to risk and are properly disclosed.

39) Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated.

40) We have appropriately disclosed the City of Elgin's policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position is available and have determined that net position is properly recognized under the policy.

41) We are following our established accounting policy regarding which resources (that is, restricted, committed, assigned, or unassigned) are considered to be spent first for expenditures for which more than one resource classification is available. That policy determines the fund balance classifications for financial reporting purposes.

42) With respect to the budgetary comparison information, combining and individual nonmajor fund financial statements, and other financial schedules on which an in-relation-to opinion is issued:

a) We acknowledge our responsibility for presenting the budgetary comparison information, combining and individual nonmajor fund financial statements, and other financial schedules in accordance with the modified cash basis of accounting, and we believe the supplementary information, including its form and content, is fairly presented in accordance with the modified cash basis of accounting. The methods of measurement and presentation of the supplementary information have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.

b) If the budgetary comparison information, combining and individual nonmajor fund financial statements, and other financial schedules are not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditor's report thereon.

Signed:_____ Signed:_____

Title:_____ Title:_____

Date:_____ Date:_____

BMTD - Elgin Cooperation

BMTD Background

- Blue Mountain Translator District was established in 1978 with a simple mission: rebroadcast content from Portland and Boise into Union and Baker Counties. Over 380 rural and incorporated properties in Elgin receive bills for service from BMTD to view signals broadcast from Mt. Harris.
- In 2019, BMTD is submitting legislation to change some of our administrative procedures, gain additional powers, and modify our revenue system. The City of Elgin's consideration of support for this legislation is appreciated.

2019 Legislation

- Proposal 1: Allow residents of cities surrounded by BMTD to serve on our Board of Directors. Allow voters in cities to join BMTD whether or not cable television service is available.
- Proposal 2: Allow BMTD to aggregate and broadcast local emergency alerts. Allow BMTD to aggregate and broadcast local content on its own channel. Allow other upgrades.
- Proposal 3: Allow BMTD voters to levy property taxes. Allow BMTD to partner with cities to inspect properties for unregistered antennas in exchange for a 10% finder's fee following payment by property owner. Allow cities to collect BMTD service charges on utility bills in exchange for a 10% collection fee.

Assessing Value

- Does the City of Elgin value allowing its residents to serve on the Board of a special district serving this municipality, or having its residents consider annexation into the district?
- Does the City of Elgin value the ability to broadcast local content, such as business commercials, municipal PSA's, and emergency alerts?
- Does the City of Elgin value the potential revenue opportunities from inspecting properties for antennas or collecting BMTD service charges on municipal utility bills?

City Action

- BMTD humbly requests that the City of Elgin sign letters of support to legislators and committee chairs for those legislative proposals supported by the city council.
- BMTD will draft support letters based on Council support for specific provisions. After collecting signatures from the Mayor and Recorder/Administrator, letters of support will be sent to Senator Bill Hansell, Rep. Greg Barreto, and the Chairs of legislative committees with jurisdiction over BMTD bills.

LC 835
2019 Regular Session
12/3/18 (DJ/ps)

D R A F T

SUMMARY

Authorizes translator districts to annex cities where cable television corporations have ceased operations and city electors approve annexation.

Permits translator district service fee payors to serve on district board.

A BILL FOR AN ACT

Relating to translator districts; amending ORS 354.625 and 354.655.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 354.625 is amended to read:

354.625. (1) A translator district may be created as provided by ORS 354.605 to 354.715 for the construction, maintenance and operation of translator stations and the transmission and reception of television broadcast signals in areas so remote from regular transmission points that adequate television programming is not available to the public. The translator transmitting facilities shall conform to all FCC rules and regulations and shall be prohibited from interfering with all existing reception facilities, including but not limited to off-air antennas, CATV or MATV.

(2) The boundaries of any district organized under ORS 354.605 to 354.715 shall be determined pursuant to the provisions of ORS 198.720.

(3) Notwithstanding subsection (2) of this section, if a city is entirely surrounded by a district and a cable television corporation has ceased operations in the city, the electors of the city may petition, or the district board may decide, to determine whether the city should be annexed into the district. A petition or decision by the board to annex the city into the district must satisfy the requirements of ORS

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

198.705 to 198.845.

(4) If the question of annexation is authorized to be submitted to electors under ORS 198.705 to 198.845, the question shall be submitted to electors of the city at an election called for that purpose under ORS 198.705 to 198.845.

(5) Following the successful passage of an annexation measure described in subsection (4) of this section, a district need not thereafter again submit the question of annexation to electors of a city within which a cable television corporation again has begun or renewed operations in that city.

SECTION 2. ORS 354.655 is amended to read:

354.655. (1) The district board shall consist of five members, each of whom shall be an elector of the district **or a person who pays service charges under ORS 354.690**. The terms of office for the district board members first elected shall be determined by lot. The terms of two shall expire June 30 next following the first regular district election and the terms of three shall expire June 30 next following the second regular district election.

(2) As soon as possible after the election and the taking of the oath of office by the members, an organizational meeting shall be held and officers selected. A majority of the members shall constitute a quorum for the transaction of business.

(3) Except as provided in subsection (1) of this section, the term of office of each district board member is four years.

(4) The members of the district board shall serve without compensation, but shall be entitled to receive actual and necessary travel and other expenses incurred in the performance of their duties.

(5) The district board shall fill any vacancy on the board in the manner provided in ORS 198.320.

LC 836
2019 Regular Session
12/3/18 (DJ/ps)

D R A F T

SUMMARY

Permits translator districts to use specified technologies. Expands authority of translator districts to distribute signals and content using alternative methods.

A BILL FOR AN ACT

Relating to translator districts; amending ORS 354.675 and 354.680.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 354.675 is amended to read:

354.675. A translator district shall have full power to carry out the objectives of its formation and to that end may:

(1) Acquire by purchase, devise or gift or voluntary grant real and personal property or any interest therein including any rights of way or easements necessary or convenient for its purposes.

(2) Sue and be sued in its own name.

(3) Build, construct, improve, operate and maintain, subject to other applicable provisions of law, any translators necessary for the transmission of signals intended to be received by the general public.

(4) Perform all acts necessary to insure an efficient and equitable distribution of television programming within the district subject to the availability of funds in the approved budget.

(5) Make contracts of any lawful nature, employ personnel, including any technical or professional consultants necessary to carry out the provisions of ORS 354.605 to 354.715.

(6) Apply for, accept and hold any licenses or permits required under

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

federal or state law.

(7) Transmit signals utilizing Advanced Television Systems Committee 1.0 and 3.0 standards.

(8) Distribute signals via alternative methods utilized to distribute signals.

(9) Aggregate and distribute emergency alerts from federal, state and local authorities over transmitted signals or via alternative methods utilized to distribute signals.

(10) Transmit low power television signals originating on district translators.

(11) Distribute video-on-demand content via the transmission of signals and alternative methods.

SECTION 2. ORS 354.680 is amended to read:

354.680. (1) A district [*shall*] **may** not delete television commercial matter in the signals it transmits **or distributes via alternative methods**[,] without written permission from the broadcasting television station. [, *or in any manner finance the district's*] **A district may finance its** operation through the sale of commercial matter in the district's transmissions.

(2) A district may, without elector approval but with permission from the broadcasting television station, generate revenue in the district's transmissions through the acknowledgment or solicitation of financial support considered necessary for the continued operation of the translator.

(3) A district may, without elector approval but with the permission of the producer of video-on-demand content, generate revenue in the district's transmissions and alternative distribution methods through the acknowledgement or solicitation of financial support considered necessary for the continued operation of the translator.

LC 837
2019 Regular Session
12/3/18 (DJ/ps)

D R A F T

SUMMARY

Permits translator districts to levy special assessments on property owners when occupants residing in or occupying property in district intentionally receive and use translator district signals. Authorizes special assessments to be collected with property taxes. Authorizes translator district to enter into enforcement agreements with cities to permit code enforcement officers to determine if property occupant is intentionally receiving and using translator district signals.

A BILL FOR AN ACT

Relating to translator districts; creating new provisions; and amending ORS 354.615, 354.685, 354.690 and 354.990.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 354.685 is amended to read:

354.685. When authorized by its electors, a district board may finance the acquisition, purchase, lease, operation or maintenance of the district by any of the following methods:

(1) Imposition of a service charge upon property within the district for use of the translator signals as provided in ORS 354.690. A district created before May 7, 1979, shall be considered to have received elector authorization for imposition of the service charge.

(2) Issuance of revenue bonds. The revenue bonds shall be issued as prescribed in ORS chapter 287A, but are not subject to the requirements of ORS 287A.150. The revenue bonds are payable both as to principal and interest from revenues only. The revenue bonds shall not be subject to the percentage limitation applicable to general obligation bonds and shall not be a lien on any of the taxable property within the limits of the district and shall be

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

payable solely from such part of revenues of the district as remains after the payment of obligations having a priority and of all expenses of operation and maintenance of the district. All revenue bonds shall contain a provision that both the principal and interest are payable solely from the operating revenues of the district remaining after paying such obligations and expenses.

(3) Levy of special assessments upon property within the district for the use of translator signals as provided in section 3 of this 2019 Act. A district created before May 7, 1979, may not be considered to have received elector authorization to impose special assessments.

SECTION 2. Section 3 of this 2019 Act is added to and made a part of ORS 354.605 to 354.715.

SECTION 3. (1) In lieu of imposing a service charge under ORS 354.690, a district may impose a special assessment on the owner of property receiving a broadcast television signal through a translator, if the district broadcasts television signals through a translator on a regular basis and any person residing on or occupying property located in an area entirely surrounded by the district intentionally receives and uses those signals.

(2)(a) The amount of the special assessment shall annually be determined by the district so as to recoup the district's costs through an assessment imposed on each property owner described in subsection (1) of this section. The owner of the property shall be deemed to have contracted with the district for use of the translator signals. The assessment is a fee for service and is not a charge against property.

(b) The special assessment shall be billed by the county assessor at the same time that property tax statements are sent to property owners. Special assessment payments shall be collected by the county tax collector and held in an account separate from the unsegregated tax collections account described in ORS 311.385. After the payment of any refunds of collected special assessment revenues, the balance shall be distributed to the district each year.

(c) The special assessment remains a personal liability of the property owner. If, by July 15 of any year, the district determines that a previously billed special assessment is delinquent, the district shall certify the delinquent special assessment, together with interest at the rate of two-thirds of one percent per month from the date due, to the assessor of the county in which the property of the person against whom the delinquent special assessment was assessed is located. The assessor shall enter the assessment and interest thereon upon the next assessment and tax roll prepared after July 15. The assessment and interest, when entered upon the assessment and tax roll, shall be a charge upon, and lien against, the real property of the person against whom they are assessed. After the special assessment and interest is certified and presented to the assessor, the payment for the assessment and interest must be made to the tax collector pursuant to ORS 311.370. Such payment shall be made by the person responsible for the delinquent assessment or by the television translator district that has received payment for the delinquent amount. The charges shall thereupon be collected and paid over in the same manner as other taxes are certified, assessed, collected and paid over, except that, when the tax collector receives the assessor's certificate pursuant to ORS 311.115, the tax collector shall deduct 10 percent of the amount of the delinquent service charges imposed in determining the television translator district's distribution percentage computed pursuant to ORS 311.390. The amount deducted shall be included in determining the distribution percentage of the county, in order to defray the costs incurred by the county in collecting the delinquent special assessment and interest.

(3) The district shall determine which property is receiving the signal, the amount of any service charge and the method of payment by property owners. The district may classify property outside and within the district according to the uses of district signals. For prop-

erty entirely surrounded by the district, the district shall prepare a verified report which shall disclose that the property has been physically inspected and that there are reasonable grounds to believe that the property is intentionally receiving and using the signal.

(4) In lieu of paying the special assessment at the time property taxes are due on the property, an owner subject to the special assessment may file a written declaration, which the owner may verify by signing and returning to the district office, stating that the owner is exempt from the service charge for one of the following reasons:

(a) The property already receives adequate regional television signals from another source and is not using district signals;

(b) The property is so situated as to preclude use of the signals; or

(c) A television is not used on the property and there are no plans to do so.

SECTION 4. ORS 354.690 is amended to read:

354.690. (1) When a district broadcasts television signals through a translator on a regular basis and any property within the district receives those signals, the owner of the property receiving the signal shall be liable to the district for the service charges.

(2) When a district broadcasts television signals through a translator on a regular basis, if any person residing on or occupying property located in an area entirely surrounded by the district intentionally receives and uses those signals, the owner of that property is liable to the district for a service charge. The owner of the property shall be deemed to have contracted with the district for use of the translator signals.

(3) The district shall determine which property is receiving the signal, the amount of any service charge and the method of payment by property owners. The district may classify property outside and within the district according to the uses of district signals. For property entirely surrounded by the district, the district shall prepare a verified report which shall disclose that the property has been physically inspected and that there are reasonable grounds

to believe that the property is intentionally receiving and using the signal.

(4)(a) The district may negotiate agreements with cities entirely surrounded by the district that permit municipal code enforcement officers to physically inspect properties and verify reasonable grounds to believe that a property is intentionally receiving and using a district signal.

(b) The district shall deduct 10 percent of the amount of the revenue collected from a property inspected by a municipal code enforcement officer and transfer that amount to the city for purposes of reimbursing the city for costs incurred by the city in physically inspecting properties entirely surrounded by the district. A schedule of payment shall be negotiated in an agreement between the district and a city entirely surrounded by the district.

(c) An agreement between the district and a city may permit the city to collect revenue from a property entirely surrounded by the district. The city shall deduct 10 percent of the amount of the revenue collected from a property that has been inspected by a municipal code enforcement officer in order to defray the costs incurred by the city in physically inspecting properties entirely surrounded by the district. The balance of collected revenues shall be forwarded to the district.

[*(4)*] **(5)** The district shall notify each owner of property it has determined is liable for a service charge at least 30 days prior to imposition of any service charge. The notice shall be by mail and shall include a written declaration which the owner may verify by signing and return to the district office stating that the owner is exempt from the service charge for one of the following reasons:

(a) The property already receives adequate regional television signals from another source and is not using district signals;

(b) The property is so situated as to preclude use of the signals; or

(c) A television is not used on the property and there are no plans to do so.

[*(5)*] **(6)** If property outside or within the district is owned, rented or leased by a community antenna television company which carries a district's television signals by cable to subscribers because of Federal Communications Commission requirements, that property shall be exempt from any district service charge.

[*(6)*] **(7)** A verified declaration returned to the district under subsection [*(4)*] **(5)** of this section shall exempt the property in question and shall be valid for one year from its signing, unless the owner of the property informs the district of a change of circumstances which should subject the owner to a service charge.

[*(7)*] **(8)** By July 15 of any year, the district shall determine which service charges are delinquent and shall certify such charges, together with interest at the rate of two-thirds of one percent per month from the date due, to the assessor of the county in which the property of the person against whom delinquent service charges are assessed is located. The assessor shall enter the charges and interest thereon upon the next assessment and tax roll prepared after July 15. The charges and interest, when entered upon the assessment and tax roll, shall be a charge upon, and lien against, the real property of the person against whom they are assessed. After the service charges are certified and presented to the assessor, the payment for the service charges must be made to the tax collector pursuant to ORS 311.370. Such payment shall be made by the person responsible for the delinquent service charge or by the television translator district that has received payment for the delinquent service charge. The charges shall thereupon be collected and paid over in the same manner as other taxes are certified, assessed, collected and paid over, except that, when the tax collector receives the assessor's certificate pursuant to ORS 311.115, the tax collector shall deduct 10 percent of the amount of the delinquent service charges imposed in determining the television translator district's distribution percentage computed pursuant to ORS 311.390. The amount deducted shall be included in determining the distribution percentage of the county, in order to defray the costs incurred by

the county in collecting the delinquent service charges.

[*(8)*] **(9)** The district board may enter into an agreement with the owner of property that is not within the district for the payment of service charges for use of the translator signals of the district when:

(a) The electors of the district, at an election called for that purpose, have authorized the district board to make such agreements; and

(b) The property is within a city that is surrounded by the district and is served by a community antenna system regulated by the Federal Communications Commission.

SECTION 5. ORS 354.615 is amended to read:

354.615. Except as provided in ORS 354.690 [*(5)*] **(6)**, nothing in ORS 354.605 to 354.715 shall apply to the construction or operation of community antenna systems or the redistribution of any signals, writings, images, sounds or intelligence of any nature by cable.

SECTION 6. ORS 354.990 is amended to read:

354.990. Any property owner who knowingly makes any false verified declaration in order to obtain a service charge **or special assessment** exemption under the provisions of ORS 354.690 **or section 3 of this 2019 Act** is guilty of unsworn falsification and upon conviction shall be punished as provided in ORS 162.085.

CITY OF ELGIN, OREGON ORDINANCE 1 (2019)

AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES ON CERTAIN STREETS LOCATED WITHIN THE BOUNDARIES OF THE CITY OF ELGIN, OREGON

WHEREAS, the City of Elgin (hereinafter "the City") desires to adopt an ordinance authorizing the operation of all-terrain vehicles on certain streets located within the boundaries of the City.

WHEREAS, the City has determined that it is necessary to impose certain restrictions on the operation of all-terrain vehicles on such streets in order to protect the interests and safety of the general public.

NOW, THEREFORE, THE CITY OF ELGIN ORDAINS AS FOLLOWS:

1. Incorporation. The above-stated findings are hereby adopted.

2. Short Title. This Ordinance No. 1 (2019) (hereinafter "Ordinance") may be referred to and city as the "ATV Ordinance."

3. Definitions. As used in this Ordinance, the following capitalized terms have the meanings assigned to them below:

    a. "All-Terrain Vehicle(s)" and "ATV(s)" means Class I All-Terrain Vehicles (with the exception of 3-wheelers) and Class IV All-Terrain Vehicles.

    b. "City ATV Permit" means the permit issued by the City, upon demonstration that an individual has
        i. completed the "Oregon All-Terrain Vehicle Safety Education" court, and received that "Oregon All-Terrain Vehicle Safety Card" (see www.rideATVoregon.org), and
        ii. acknowledged awareness and responsibility for the safety requirements set forth by the City in the Application, including safety requirements, scope, penalties, and
        iii. paid the appropriate fee for the Permit, Replacement Permit, or Temporary 3-day Permit.

    c. "Class I All-Terrain Vehicle(s)" has the meaning given that term under ORS 801.190, with the exception that 3-wheeled vehicles are *not* allowed. ORS 801.190 defines a Class I All-Terrain Vehicle as a motorized, off-highway recreational vehicle that is:
        i. 50 inches or less in width,
        ii. Has a dry weight of 1,200 pounds or less,

iii. Travels on four[1] or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less,
iv. Uses handlebars for steering,
v. Has a seat designed to be straddled for the operator, and
vi. Is designed for or capable of cross-country travel on or immediately over land . . . or other natural terrain.

Class I All-Terrain Vehicles may also be known as quads or four-wheelers.

d. "Class IV All-Terrain Vehicles" has the meaning given that term under ORS 801.194(2). ORS 801.194(2) defines a Class IV All-Terrain Vehicle as any motorized vehicle that
i. Travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less,
ii. Is designed for or capable of cross-country travel on or immediately over land . . . or other natural terrain,
iii. Has non-straddle seating,
iv. Has a steering wheel for steering control,
v. Has a try weight of 1,800 pounds or less, and
vi. Is 65 inches wide or less at its widest point.

Class IV All-Terrain Vehicles may also be known as side-by-sides.

e. "Prohibited All-Terrain Vehicles" means ATVs specifically prohibited for use by the City under this Ordinance, including but not limited to: 3-wheelers, and lawn mowers.

f. "Driver License" has the meaning given that term under ORS 801.245.

g. "Motorcycle Helmet" has the meaning given that term under ORS 801.366. ORS 801.366 defines a Motorcycle Helmet as a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell and a chin-strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation. Motorcycle helmets shall be required for ATV riders under 18 years of age.

h. "Traffic Law(s)" means any and all Oregon statutes and regulations relating in any way to the operation or use of motorized vehicles, including, without limitation, the Oregon Vehicle Code and any regulations promulgated thereunder.

i. "Street(s)" means all highways, roads, streets, and alleys, other than State of Oregon highways, within the boundaries of the City, including, without limitation,

[1] ORS 801.190 includes "three or more" tires; however, the City specifically excludes three-wheelers from its definition of allowed ATVs. Lawn mowers are also specifically excluded under this Ordinance.

roads regularly maintained by the City of Elgin within the boundaries of the City, except that a person may, while operating an ATV allowed herein to cross a State of Oregon highway to the extent permitted under ORS 821.200(1).

4. Operation of All-Terrain Vehicles on Streets Authorized. Subject to the provisions of this Ordinance, ATVs may be operated on Streets subject to the conditions and restrictions set forth under ORS 821.200. All-Terrain Vehicles are prohibited from operating under this Ordinance on any State of Oregon highway within the boundaries of the City, including Highway 82/8th Street and Highway 244/Division Street, except that a person may, while operating an ATV, cross a State of Oregon highway to the extent permitted under applicable Oregon law, including ORS 821.200(1).

5. Regulations for Operation of All-Terrain Vehicles. All-Terrain Vehicles operated under this Ordinance must be operated in compliance with all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, all applicable Traffic Law requirements (including, without limitation, ORS 811.255) and all posted speed limits, and in a manner comporting with the public health, safety, and general welfare.

6. Licensed Driver 16 Years of Age or Older Required. A person operating an ATV under this Ordinance must be 16 years of age or older, and hold a valid Driver License. If an individual illegally operates an ATV under the age of 16, the citation shall be given to their parent or guardian.

7. Riders Under 16 Years of Age. Any rider of an ATV under the age of 16, or who does not hold a valid Driver License, but be accompanied by an adult age 18 or older who holds a valid Driver License.

8. All-Terrain Vehicle City Permit Required. A person operating an ATV under this Ordinance must hold a valid ATV City Permit, which requires the holder to demonstrate the he or she has
    a. completed the "Oregon All-Terrain Vehicle Safety Education" court, and received that "Oregon All-Terrain Vehicle Safety Card" (see www.rideATVoregon.org), and
    b. acknowledged awareness and responsibility for the safety requirements set forth by the City in the Application, including safety requirements, scope, penalties, and
    c. paid the appropriate fee for the Permit, Replacement Permit, or Temporary 3-day Permit.

9. Safety Equipment Requirements. All-Terrain Vehicles operated under this Ordinance must be equipped with the safety equipment required under all applicable Traffic Laws, including, without limitation, ORS 821.030, ORS 821.040, ORS 821.220, ORS 821.230, and OAR 735-116-0000.

10. Helmet Requirements. A person who is under 18 years of age must wear a Motorcycle Helmet with a fastened chin strap while riding as a driver or passenger on an ATV operated under this Ordinance.

11. Safety Belt Requirements. A person must be properly secured with a safety belt or safety harness while operating or riding as a passenger on an ATV operated under this Ordinance if such ATV was required to be equipped with safety belts or safety harnesses at the time the ATV was manufactured or safety belts or safety harnesses have been installed on the ATV.

12. Speed Limits. All-Terrain Vehicles operated under this Ordinance must be operated in compliance with all posted speed limits and may not be operated
    a. At a rate of speed greater than reasonable and proper under the existing conditions, or
    b. In a negligent manner so as to endanger or cause injury, death, and/or damage to the operator or person or property of another.

13. Prohibition on Operating All-Terrain Vehicles While Driving Privileges Suspended. A person may not operate an ATV under this Ordinance while the person's driving privileges (i.e., Driver License) are suspended or revoked.

14. Financial Requirements. All-Terrain Vehicles operated under this Ordinance must meet the financial responsibility requirements under ORS 806.060. For purposes of this Section, "financial responsibility requirements" means the ability to respond in damages for liability, on account of accidents arising out of the ownership, operation, maintenance, and/or use of an ATV, in a manner provided under ORS 806.060.

15. Daylight Hours Only. All-Terrain Vehicles operated under this Ordinance may be operated only during daylight hours. For purposes of this Section, "daylight hours" means one-half hour before sunrise to one-half hour after sunset. At any time from one-half hour before sunrise to one-half hour after sunrise, and from one-half hour before sunset to one-half hour after sunset, and during any time when limited visibility conditions exist, ATVs operated under this Ordinance must be equipped with and display headlights and taillights.

16. Posting. The City will post signs giving notice that the operation of ATVs is permitted upon Streets under the provisions of this Ordinance. The City will post such signs at locations necessary to inform the public that ATVs are permitted upon Streets, which sign locations will be determined by the City in its sole discretion.

17. Liability. The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. The City, by passing this Ordinance, assumes no responsibility for the operation of such ATVs and will be held harmless in any action arising from the operation of such ATVs on or off any public way within the City, including, without limitation, Streets.

18. Penalties. Violation of, or failure to comply with, any provision of this Ordinance, including, without limitation, the operation of an ATV where such ATV is prohibited or in a manner in which is prohibited, is subject to the following:
    a. is punishable by a fine not to exceed $500.00. The presumptive fine shall be $115, and the minimum fine shall be $60.
    b. Revocation of the City ATV Permit for a period of one (1) year. At the end of a one-year period, the Permit holder may re-apply for said Permit by re-initiating the application process.
    c. Each violation of this Ordinance will constitute a separate offense.
    d. A violation of this Ordinance shall be commenced by the issuance of a Citation and shall be prosecuted in the Elgin Municipal Court.
    e. The penalties imposed by this Section are not exclusive and are in addition to any other remedies, civil or criminal, available to the City under applicable law.

19. Modification. Law enforcement officials and/or officials acting on behalf of the City of Elgin have the authority to modify the provisions of this Ordinance as a result of the occurrence of special events. Such modifications shall be temporary in nature and shall not violate Traffic Laws.

20. Miscellaneous. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion will
    a. Yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and
    b. Not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance.

    This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

21. Declaration of Emergency. It is hereby determined and found that this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the people of the City of Elgin, and by reason of the foregoing, an emergency is hereby declared to exist. As such, this section shall be in full force and effect immediately upon and after the passage by the City Council and signed by the Mayor of the City of Elgin.

PASSED AND ADOPTED this 8 day of January, 2019.

With _____ Ayes, _____ Nays, _____ Abstentions, _____ Absent

Signed:

_____

Allan Duffy, Mayor

_____ _____

Mary West, Councilor David Reed, Councilor

_____ _____

Rocky Burgess, Councilor Kathy Warren, Councilor

_____ _____

Teresa Shaffer, Councilor Risa Hallgarth, Councilor

State of Oregon, County of Union

I hereby certify that the foregoing ordinance was passed and approved by the City Council of the City of Elgin, Oregon at a regular or special meeting of said Council, held on the _____ day of December, 2018.

Certified this 8 day of January, 2019.

_____

Brock Loren Eckstein, Notary Public

My Commission Expires _____

CITY OF ELGIN
ORDINANCE 1 (2019)
AN ORDINANCE GRANTING TO OREGON TRAIL ELECTRIC COOPERATIVE THE RIGHT TO PLACE, ERECT AND MAINTAIN POLES, WIRES, AND OTHER APPLIANCES AND CONDUCTORS FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY IN, UPON AND UNDER THE STREETS, ALLEYS, AVENUES, THOROUGHFARES AND PUBLIC HIGHWAYS IN THE CITY OF ELGIN, OREGON, AND TO EXERCISE THE PRIVILEGE OF ENGAGING IN THE GENERAL BUSINESS OF GENERATING, TRANSMITTING AND DISTRIBUTING ELECTRICAL ENERGY, FOR A TERM OF TEN YEARS.

WHEREAS: Oregon Trail Electric Cooperative has been granted a franchise to place electrical distribution equipment within the public rights-of-way of the City of Elgin; and the current franchise agreement expired December 11, 2017.

NOW THEREFORE, THE CITY OF ELGIN ORDAINS AS FOLLOWS;

SECTION 1. Grant of franchise. The city of Elgin, hereinafter referred to as the City, hereby grants to Oregon Trail Electric Cooperative, hereinafter referred to as the Grantee, the right and privilege to place, erect, lay, maintain, and operate in, under and over the streets, alleys, avenues, thoroughfares, and public places within the City, poles, wires, and other appliances and conductors for the generation, transmission and distribution of electricity.

SECTION 2. Location of facilities. Before constructing any facilities in the streets, alleys or public places of the City under this franchise, Grantee shall secure approval of the location of such facilities from the City Council of the City or from an officer of said City authorized by the City Council to grant such approval. No such facilities shall be constructed at locations not so approved.

SECTION 3. Excavations/Restoration. If Grantee makes any excavation, or in any manner interferes with any street, alley, sidewalk, crosswalk, pavement, or other public places within the City, Grantee shall, as soon as possible, put the same in as good condition as it was before such excavation or interference, and if Grantee fails to do so, said City may perform the necessary work and Grantee, by the acceptance of this franchise, agrees to pay the expense of the same. Grantee agrees to pay all costs and expenditures required for a period of two years thereafter as a consequence of the settling or any other need for repair or maintenance resulting from excavations made by Grantee.

SECTION 4. Indemnification. The City shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by Grantee of its generation, transmission or distribution facilities, and the acceptance of this franchise shall be deemed an agreement on the part of Grantee, to indemnify said City and hold it harmless against any and all liability, loss, cost, damage or expense which may accrue to said City by reason of the neglect, default, or misconduct of Grantee in the construction, operation or maintenance of its generation, transmission or distribution facilities under this franchise.

SECTION 5. Franchise not exclusive. This franchise shall not be exclusive and the granting of said franchise shall not be considered as any limitation on the right of said City to grant a similar franchise or similar franchises to other persons or corporations for furnishing electricity to said City and its inhabitants.

SECTION 6. Term of franchise. The term of the franchise hereby granted shall commence on January 1 and shall continue in effect for a period of ten (10) years from and after said date.

SECTION 7. Franchise fee. In further consideration of the rights, privileges and franchise hereby granted, said Grantee shall pay to the City a franchise fee based on the "gross revenues" of the Grantee from its sale and distribution of electrical energy within the corporate limits of the City, less net uncollectible. Gross revenues shall include revenues from the use, rental, or lease of operating facilities of the Grantee. Gross revenues shall not include proceeds from the sale of bonds, mortgages, securities or stocks, sales at wholesale to another utility when the utility purchasing the service is not the ultimate consumer, revenue from joint pole use, revenue paid by the United States of America or any of its agencies or revenue paid by the City. Payments are to be made during the term of this franchise which commences January 1, 2019. Said payments to be made 30 days after the close of each six month period. A sworn statement of the gross revenues of the Grantee from the sale of electrical energy within the corporate limits of the City shall be filed with the City Recorder of the City by the Grantee at the time of the payment of said franchise fee. Such franchise fee payment made by the Grantee will be accepted by the City from the Grantee if the Grantee accepts this franchise in lieu of any further license, privilege, or occupation tax, or fee for revenue or regulation of the City which may now or hereafter be imposed by ordinance of the City during the term of this franchise.

Effective January 1, the franchise fee shall be four and ½ percent (4.5%). Upon six months advance notice, the City may change the franchise fee provided such changed fee shall not exceed that provided by ORS 221.450 as it may be amended from time to time.

SECTION 8. Relocation. The City may require the Grantee to relocate or remove any of its facilities on public right of way wherever the relocations or removal thereof is, in the judgment of the City, for the public convenience and necessity, and the expense thereof shall be borne by the Grantee. If the Grantee fails to relocate or remove the facilities within a reasonable time designated by the City, the City may relocate or remove the facilities at the Grantee's expense.

SECTION 9. Assignment. The privilege of assignment shall be binding upon and inure to the benefit of the successors, legal representatives and assigns of the Grantee, but this privilege and the rights granted under this ordinance either by sale, merger, consolidation, operation of law, or otherwise cannot be assigned by the Grantee without first obtaining the consent of the City thereto in writing as expressed by a resolution of the City Council.

However, the Grantee, without securing approval of the City, may execute mortgages or trust indentures upon the properties of the Grantee if given to secure bonds or other bona fide indebtedness of the Grantee.

SECTION 10. Location of office and records. At all times while operating within the City under this privilege and permit, the Grantee shall maintain an office within the boundaries of Union County. The general public shall have access to the office during regular business hours.

The Grantee shall at all times keep an accurate record of all accounts pertaining to the sale of electricity at its office in Baker City, Oregon. For the purpose of determining the amounts due under Section 7 of this ordinance, the City may inspect the books of account and other data and records at any time during business hours, and may audit them from time to time, and may require the Grantee to make available to it all records.

SECTION 11. Tree trimming. The Grantee may trim trees which overhang the streets, alleys and other public places in the manner and to the extent necessary to provide adequate clearance for the Grantee's facilities. All trimming shall be done in strict conformity with any regulations heretofore or hereafter promulgated by the City.

SECTION 12. Termination for cause. Upon the Grantee's willful failure, after 30 days' notice and demand, to perform with reasonable dispatch each and every term, condition or obligation imposed upon it under or pursuant to this ordinance, the City Council may at its option and in its sole discretion, terminate this privilege and permit by ordinance. Such termination shall not in any way relieve, release or discharge the Grantee from any liability or obligation in favor of the City theretofore incurred by Grantee under this ordinance. The remedies contained in this section are not exclusive and the parties reserve any and all remedies available either at law or in equity to enforce any and all liabilities hereunder.

SECTION 13. Continuous operations. The Grantee shall maintain and operate a system for the distribution of electricity in the City so as to provide a 24-hour a day service. The Grantee shall use due diligence to maintain continuous and uninterrupted service, which shall at all times be up to the standards common in the business. However, the Grantee does not guarantee continuous and uninterrupted service, and under no circumstances is the Grantee liable to the City for any interruption or failure to provide service caused in whole or in part by any cause beyond the reasonable control of the Grantee, including but not limited to acts of God or the public enemy, fires, floods, earthquakes or other catastrophes, severe weather, strikes, or failure or breakdown of generating, transmission or distribution facilities. The Grantee shall maintain emergency repair service available on a 24-hour a day basis.

SECTION 14. Severability. The sections and subsections of this ordinance are severable. The invalidity of a section or subsection shall not affect the validity of the remaining sections and subsections herein.

SECTION 15. An emergency is declared to exist. For the welfare of the people of Elgin, this ordinance shall be in full force and effect upon passage by the City of Elgin Common Council.

SECTION 16. Acceptance. This franchise shall become effective on January 1, 2019 if the Grantee shall, within said 30-days of the adoption of this ordinance file its written acceptance thereof with the City Recorder of the city of Elgin; and in the event that Grantee shall fail to so file its acceptance within said period, then this ordinance shall not become effective.

PASSED AND ADOPTED this 8th day of January, 2019.
With _____Ayes, ____ Nays, _____ Abstentions, _____ Absent
Signed;

_____
Allan Duffy, Mayor

_____
Mary West, Councilor_____ David Reed, Councilor____

_____
Rocky Burgess, Councilor____ Kathy Warren, Councilor____

_____
Ryan Martin, Councilor____ Risa Hallgarth, Councilor____

State of _Oregon_____ County of _Union_____
I hereby certify that the foregoing ordinance was passed and approved by the City Council of the City of Elgin Oregon at a regular or special meeting of said Council, held on the 8th day of January 2019.
Certified this _____ day of _____ 20 _____.

_____
Brock Loren Eckstein, Notary Public
My Commission Expires _June 7th, 2019_____